

**ASSEMBLY BILL**

**No. 391**

**Introduced by Assembly Member Montanez**

February 14, 2003

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An act to add Section 17072.40 to the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 391, as introduced, Montanez. New school construction.

Existing law, the Leroy F. Greene school Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

This bill would require a school that is newly constructed pursuant to the act, upon completion of the project, to have a fully functional modern food service facility, as provided, and an instructional garden area, as provided. The bill would require the State Department of Education to establish minimum space requirements for instructional gardens in new schools and to adopt regulations governing instructional garden designs.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

1 (a) School garden projects provide an interactive, hands-on  
2 learning environment to teach the fundamental nutrition concepts  
3 embodied in the Dietary Guidelines for Americans and to foster a  
4 better understanding and appreciation of where food comes from,  
5 how it gets from the farm to the table, and the important role of  
6 agriculture in the state, national, and global economy.

7 (b) Encouraging and supporting a garden in every school  
8 creates opportunities for pupils to make healthier food choices,  
9 participate more successfully in their education experiences, and  
10 develop a deeper appreciation of both their community and each  
11 other.

12 (c) Garden programs can equally enhance any subject area  
13 including science, environmental education, math, reading,  
14 writing, art, physical education, history, and geography. As  
15 California continues to strive toward improved pupil  
16 performance, the garden project provides a unique method  
17 through which it may be achieved.

18 SEC. 2. Section 17072.40 is added to the Education Code, to  
19 read:

20 17072.40. (a) Notwithstanding any other law, a project to  
21 construct a new schoolsite pursuant to this chapter, shall, upon  
22 completion of the project, have both of the following:

23 (1) A fully functional modern food service facility of adequate  
24 capacity in accessible locations to properly serve the intended  
25 pupil population. For purposes of this paragraph, a “fully  
26 functional modern food service facility” includes a kitchen,  
27 cafeteria, and other food service and eating areas.

28 (2) An instructional garden area of sufficient space, as  
29 determined by the State Department of Education, in which pupils  
30 may grow plants, flowers, and food, and conduct learning  
31 exercises related to the instructional garden.

32 (b) The State Department of Education shall establish  
33 minimum space requirements for instructional gardens in new  
34 schoolsite projects and shall adopt regulations governing  
35 instructional garden designs.